



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 51 of the Private Housing (Tenancies)(Scotland) Act 2016

Chamber Ref: FTS/HPC/EV/25/3399

Re: Property at Flat 1/1, 69 Sinclair Drive, Battlefield, Glasgow, G42 9PU ("the Property")

Parties:

Kamalesha Limited, 11 Sherbrook Gardens, Glasgow, G41 4HU ("the Applicant")

Ms Alison Murray, Flat 1/1, 69 Sinclair Drive, Battlefield, Glasgow, G42 9PU ("the Respondent")

Tribunal Members:

Gillian Buchanan (Legal Member) and Angus Lamont (Ordinary Member)

Decision (in absence of the Respondent)

At the Case Management Discussion ("CMD") which took place by telephone conference on 25 February 2026 Dr Kamal Kapil Madhok and Dr Esha Madhok attended in their capacity as Directors of the Applicant and the Applicant was otherwise represented by Mrs Elaine Elder of Aberdeen Considine, Solicitors. The Respondent was not present or represented.

The tribunal was satisfied that the requirements of Rule 24(1) of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 ("the Rules") had been satisfied relative to the Respondent having received notice of the CMD and determined to proceed in the absence of the Respondent in terms of Rule 29.

Indeed by emails dated 2, 3 and 6 February 2026 Castlemilk Law Centre lodged Written Submissions and productions for the Respondent. These were withdrawn by email dated 9 February. The Written Submissions referred to the Respondent having secured a sheltered housing tenancy and the keys thereto in August 2025 and to her gradually moving her belongings to that property.

By email dated 16 and 17 February 2026 the Applicant's agent lodged additional documents including Written Submissions.

The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal") determined that -

Background

The Tribunal noted the following background:-

- i. The Applicant is the heritable proprietor of the Property having purchased the Property in March 2020 with the Respondent in situ as a tenant.
- ii. The application concerns a new Private Residential Tenancy ("PRT") entered into between the parties relative to the Property that commenced on 1 May 2020.
- iii. On 28 April 2025, the Applicant validly served on the Respondent a Notice to Leave requiring the Respondent remove from the Property by 24 July 2025 on the basis of Ground 1 of Schedule 3 of the Private Housing (Tenancies)(Scotland) Act 2016 ("the 2016 Act").
- iv. The Applicant has served on Glasgow City Council a Notice under Section 11 of the Homelessness etc (Scotland) Act 2003.

The CMD

In response to questions from the Tribunal Mrs Elder and Dr Kamal Madhok made the following oral representations:-

- i. The Applicant seeks an eviction order.
- ii. The evidence relied upon to substantiate the Applicant's intention to sell the Property is the Statement of Intent signed by Dr Kamal Kapil Madhok and Dr Esha Madhok and dated 5 August 2025. However their reasons for selling have changed slightly in the interim in that they now wish to remove themselves from the rental market altogether due to their personal circumstances and the ill health of close family members.
- iii. Dr Madhok stated that they had taken steps to secure a portfolio sale of 8 of the 11 properties owned by the Applicant and in doing so trying to honour the existing tenancies with tenants in occupation. Another property within the portfolio was sold last year.

Findings in Fact

The Tribunal made the following findings in fact:-

- i. The Applicant is the heritable proprietor of the Property having purchased the Property in March 2020 with the Respondent in situ as a tenant.
- ii. The application concerns a new Private Residential Tenancy ("PRT") entered into between the parties relative to the Property that commenced on 1 May 2020.
- iii. On 28 April 2025, the Applicant validly served on the Respondent a Notice to Leave requiring the Respondent remove from the Property by 24 July 2025 on the basis of Ground 1 of Schedule 3 of the Private Housing (Tenancies)(Scotland) Act 2016 ("the 2016 Act").
- iv. The Applicant has served on Glasgow City Council a Notice under Section 11 of the Homelessness etc (Scotland) Act 2003.
- v. Statement of Intent signed by Dr Kamal Kapil Madhok and Dr Esha Madhok and dated 5 August 2025 is sufficient to evidence the Applicant's intention to sell the property.
- vi. The Applicant previously intended to use the proceeds from the sale of the Property to improve other properties in its portfolio of 11 properties which require substantial repairs and to pay off higher interest standard securities over some of the other properties and repayment of directors loans.
- vii. The Applicant's situation has changed in the interim and it intends to sell all properties within its portfolio.

- viii. The Applicant has received an acceptable offer to purchase 8 of their properties which includes this Property.

Reasons for decision

The Respondent withdrew its representations to the Tribunal and did not attend the CMD. The factual background narrated by the Applicant within the application papers and orally by Ms Wooley at the CMD was not therefore challenged and was accepted by the Tribunal. The Tribunal also noted that the Respondent had already secured and was in the course of moving to alternative accommodation.

The application proceeds upon Grounds 1 of Schedule 3 of the 2016 Act.

Ground 1 of Schedule 3 of the 2016 Act states:-

- "(1) It is an eviction ground that the landlord intends to sell the let property.*
(2) The First-tier Tribunal may find that the ground named by sub-paragraph (1) applies if the landlord—
(a) is entitled to sell the let property,
(b) intends to sell it for market value, or at least put it up for sale, within 3 months of the tenant ceasing to occupy it, and
(c) the Tribunal is satisfied that it is reasonable to issue an eviction order on account of those facts.
(3) Evidence tending to show that the landlord has the intention mentioned in sub-paragraph (2)(b) includes (for example)—
(a) a letter of engagement from a solicitor or estate agent concerning the sale of the let property,
(b) a recently prepared document that anyone responsible for marketing the let property would be required to possess under section 98 of the Housing (Scotland) Act 2006 were the property already on the market."

The Applicant is entitled to sell the Property in terms of sub-paragraph 2(a), being the heritable proprietor thereof.

Sub-paragraph 2(b) requires that the Applicant intends to sell the Property for market value, or at least put it up for sale, within 3 months of the tenant ceasing to occupy it. Sub-paragraph 3 gives examples of the evidence that might be produced to show the landlord has the intention described in sub-paragraph 2(b). In this instance the Applicant relies upon a Statement of Intent of the Directors thereof dated 5 August 2025. The Tribunal accepts this document as sufficient to meet the terms of sub-paragraph 2(b).

The Tribunal also requires to be satisfied that it is reasonable to issue an eviction order in terms of sub-paragraph 2(c). In that the Respondent has secured and is moving to alternative accommodation the Tribunal considered it reasonable to grant an eviction order.

On that basis the Tribunal granted an eviction order in terms of Ground 1 of Schedule 3 of the 2016 Act.

Decision

The Tribunal granted an eviction order against the Respondent in favour of the Applicant in terms of Ground 1 of the 2016 Act.

Right of Appeal

In terms of Section 46 of the Tribunal (Scotland) Act 2014, a party aggrieved by the decision of the Tribunal may appeal to the Upper Tribunal for Scotland on a point of law only. Before an appeal can be made to the Upper Tribunal, the party must first seek permission to appeal from the First-tier Tribunal. That party must seek permission to appeal within 30 days of the date the decision was sent to them.

Gillian Buchanan

Legal Member/Chair

25 February 2026
Date